

ENF.3 *Total Response Commitments (Including Dollar Value)***Section 1 - Program Activity Information**

1.1 Program Activity: Total Response Commitments (Including Dollar Value)

1.2 Program Activity Category: Program Measure

1.3 Program Area: Enforcement

1.4 EPA Sponsor:

Data Sponsor	Program Area	Phone Number
Dan Dickson	Enforcement Data	202-564-6041

Section 2 - Problem/Decision Objective

2.1 Problem: Total Response Commitments is the total universe of CERCLA enforcement instruments where the parties agree to conduct cleanup work and/or make cash payments toward future response costs at a site.

2.2 Stakeholder(s): Headquarters Enforcement staff (OSRE), Regional EPA Staff, Congress and the Public.

2.3 Decision-maker(s): Regional Administrators or their delegates sign the Enforcement Instruments that serve as the basis for this measure. EPA Regional WasteLAN staff are responsible for entering the data into WasteLAN on their behalf.

2.4 Decision: Track the universe of CERCLA enforcement instruments where parties have agreed to conduct cleanup work and/or make cash payments towards future response costs at a site. Total Response Commitments will be reported as a combined total of CDs, CAs, AOCs, and UAOs, where response actions have been achieved and/or parties agree to make cash payments toward future response costs at a site. The value of Total Response Commitments is based on the estimated value of PRP response work and/or payments made by responsible parties toward future response costs at a site. Enforcement instruments include:

A Consent Decree (CD) signed by the Regional Administrator and PRPs and 10-point analysis is transmitted by the Regional Administrator to DOJ or HQ, under Section 106 or 106/107 for PRPs to conduct or pay for the response action [ESI/RI, RI, RI/FS, FS, RD, RA, groundwater monitoring activities post ROD, institutional controls, time-critical or NTC removal]. Credit for the CD referral (Action Name = Consent Decree) is given on the date on which the Regional Administrator's transmittal memo is sent to DOJ or to HQ as recorded in WasteLAN as the actual start date (Actual Start). This includes CDs for mixed work, preauthorized mixed funding, de minimis, and cashout settlements. The appropriate Enforcement Instrument Categories Selected also must be entered into WasteLAN; or

A Unilateral Administrative Order (UAO) is signed by the Regional Administrator or delegatee for response work, and at least one of the PRPs has provided notice of intent to comply unconditionally. Commitment credit is given on the date of the PRP's written notice of intent to comply with the order. This is reported in WasteLAN as the actual completion date (Actual Complete) of the Notice of Intent to Comply SubAction (SubAction Name = PRPs Ntfy EPA, Intent to Comply). The actual completion date (Actual Complete) of the order (Action Name = Unilateral Admin Order) is the date it is signed.

If a PRP initially complies with a UAO, credit will be given for the UAO when the first PRP provides written notice of intent to comply. If, at a later date, the PRP agrees to a CD for the same work, credit will be given for the CD when it is referred by memo to DOJ or HQ. At this point the region will receive credit for the CD only and not the UAO. When adding the Consent Decree Action, the region should identify the UAO as the predecessor action through Action Relationships and enter the estimated value of the UAO as the estimated value of the CD if the CD covers the same work. If the CD covers more work than the UAO it replaces, a revised estimate may be necessary. The WasteLAN reporting requirements for the CD apply.

An Administrative Order on Consent (AOC) or Consent Agreement (CA) is signed by the Regional Administrator or delegatee for PRPs to perform or pay for an ESI/RI, RI, RI/FS, FS, time-critical or NTC removal, RD, monitored natural attenuation, institutional controls, or groundwater monitoring post-ROD. The date the AOC or CA is signed (Action Name = Admin Order on Consent or Consent Agreement (CA)) is reported in WasteLAN as the actual completion date (Actual Complete).

Commitment credit is also given when an AOC or Consent Agreement (CA) is signed that provides protection from potential future liability to a prospective purchaser that is implementing the remedy. The actual completion date (Actual Complete) is the date the AOC or CA (Action Name = Admin Order on Consent or Consent Agreement and Enf Instrument Category Selected = Prospective Purchaser Agreement) is signed by the Regional Administrator or delegatee.

An enforcement instrument is active until the provisions of the instrument or another document incorporated by reference is completed including payment provisions and monitoring (with the exception of any activity related to record retention). (The CD, AOC, CA, or UAO has an Overall Compliance Status of "Closed Order/Settlement"; and the SubAction = Closed Order or Settlement, or the SubAction = Closed Order or Settlement with Potential for Penalty Claim has an Actual Completion Date). In addition, a UAO that is converted to a CD is no longer active.

Section 3 - Information Needs

Name	Source	System	Table/Column
Site Id	WasteLAN	WasteLAN	site.site_id
Settlement/Enforcement Instrument Action.	Settlement Document (Consent Decree, Unilateral Administrative Order, Administrative Order on Consent, Consent Agreement)	WasteLAN	action.rat_code, action.act_code_id where rat_code in ('CD', 'CA', 'AC', 'UA')
CD Actual Start Date	CD - date the CD was signed by Regional Administrator	WasteLAN	action.act_actl_strt_date for rat_code = 'CD'
Actual Completion Date	Settlement Document (UAO, AOC, CA)- Date the settlement was signed. UAOs need Subaction "Notice of Intent to Comply" with actual completion date.	WasteLAN	action.act_actl_compltn_date for rat_code in ('UA', 'AC', 'CA') if rat_code = UA, must have subaction "Notice of Intent to Comply" with actual completion date.

Name	Source	System	Table/Column
Response Actions Pd by Parties	Those response actions at the site for which the parties are paying, per the Settlement Document.	WasteLAN	enf_enforce_response_actions.resp_action_site_id, enf_enforce_response_actions.resp_action_rat_code, enf_enforce_response_actions.resp_action_act_code_id, enf_enforce_response_actions.response_type
Work the PRP Will Perform - Value	The monetary value of the work (response actions) for which the parties will perform at the site.	WasteLAN	enf_action_details.ead_est_val _prp_resp_work
Federal; Costs Settled - Future	The value of a cash payment designated in the settlement document to be used for payment of future response work at the site.	WasteLAN	enf_action_details.ead_federal _future_costs
Other Relief Achieved	Any other (non-monetary) forms of relief at the site, as addressed by the settlement.	WasteLAN	enf_act_other_relief.renr_code, enf_act_other_relief.renr_desc
Enforcement Instrument Categories Selected	Categories which help specify the nature of the settlement document and the work for which it is recovering money.	WasteLAN	enf_act_category.rsetlc_code, ref_settlement_category.rsetlc_desc
Enforcement Action Amended - subaction	Amendment to the existing Enforcement Instrument	WasteLAN	action.rat_code, action.act_code_id
Update Compliance History - Overall Compliance Status History	The current status of the enforcement instrument/settlement	WasteLAN	ref_compliance_status/rcs_overall_status_code ref_compliance_status/rcs_overall_status_desc
Closed Order or Settlement subaction	These subactions apply to AOCs, CAs, and CDs. The presence of these subactions/milestones along with an official “completion date” indicates that the settlement action is no longer active.	WasteLAN	action/rat_code action/act_code_id action/act_actl_cmpltn_date where rat_code = ‘IO’ or ‘UQ’

Section 4 - Scope/Universe

Total Response Commitments is the total universe of CERCLA enforcement instruments where the parties agree to conduct cleanup work and/or make cash payments toward future response costs at a site. This measure applies to enforcement instruments at non-Federal facility NPL sites, Superfund Alternative sites, and non-NPL sites. This measure reports the number of enforcement instruments as well as the estimated value of the response work and/or cash payments toward future response costs pursuant to each of those instruments.

Section 5 - Data Quality Requirements

- 5.1 Completeness: Total Response Commitments will be reported as a combined total of CDs, CAs, AOCs, and UAOs, where parties agree to conduct or make cash payments toward future response costs at a site. The value of Total Response Commitments is based on the estimated value of PRP response work and/or payments made by responsible parties toward future response costs at a site. Data is supported by a signed settlement document. If the settlement is a UAO, it must be accompanied by a Notice of Intent to Comply. If the settlement is a Consent Decree, it must be accompanied by a 10-point analysis. For full credit, data must be entered to a level of completeness equal to that specified in the current version of the SPIM to show up in the ENFR-03 report.
- 5.2 Accuracy: The data recorded in CERCLIS must reflect the correct, true, or reported values as reflected in source documentation. Planning Data is viewed immediately following the establishment of quarterly targets and must therefore be accurate to within the fiscal year quarter.
- 5.3 Timeliness: This data should be entered in real time if possible. All data MUST be entered by the end of the fiscal year quarter in which it occurs. The data sponsor analyses the data at the national level to verify data entry on a regular (weekly-to-monthly).
- 5.4 Consistency: The data must be consistent throughout the user group, based on standards provided by Headquarters staff in the enforcement office. The data sponsor uses the Enforcement Reports in WasteLAN (in this case, the ENFR-03) to determine the consistency of data entered by the regions.

Section 6 - Information Collection and Reporting

- 6.1 Source for the Information: Administrative Order on Consent (AOC), Consent Agreement (CA), Consent Decree (CD), or Unilateral Administrative Order (UAO)
- 6.2 User Interface: User enters action and date data on the Enforcement Project Schedule and settlement data on the Enforcement Instrument screen.
- 6.3 System Transfers: This information is snapshot from regions to Headquarters
- 6.4 Internal outputs: ENFR-03
- 6.5 Audit reports:
- 6.6 External outputs: reported annually to Congress
- 6.7 Guidance documentation:
- ▶ Superfund Program Implementation Manual (SPIM) – OSWER Directive 9200.3-14-1G-Q